

## **REMARKS/ARGUMENTS**

Reconsideration of the application is requested.

Claims 1 - 76 remain in the application. Claims 1 – 38 are subject to examination.

Claims 39 – 76 have been withdrawn.

This paper is being filed together with a request for continued examination (RCE).

The purpose is to enter a further declaration under 37 C.F.R. 1.131 and in order to show that the invention of the instant application was made in a WTO country prior to September 14, 1998.

The reference to Freitag, Jr., et al. has an effective prior art date of September 14, 1998. The invention was made prior to that date and, accordingly, Freitag, Jr., et al. is not available as prior art.

Applicant had previously submitted a declaration under 37 C.F.R. 1.131 and had corroborated the claim to the earlier date with a paper entitled "Universal configurable blocks – a novel microarchitecture for field programmable logic devices (FPL)." The Examiner then rejected the claim on the grounds that the invention was not shown in the papers and on the grounds that the inventor had not been in the possession of the complete invention. The enclosed papers "cure" the deficiency of the earlier submission. As it turns out, the originally submitted paper was but a more general description of the invention (and it described further inventions). The currently

enclosed papers are the actual invention disclosures with pertinent information and detail showing that the inventor was indeed in complete possession of the invention.

The enclosed papers were submitted to the corporate patent department at Siemens AG on July 3, 1998 and forwarded to the patent attorneys in charge of the application July 9, 1998 (see the receipt stamps on the enclosed copies). According to one of the enclosed declarations, Mr. Jannig diligently worked on finalizing the application text which became the German priority application of September 23, 1998 from at least prior to September 14, 1998 to the filing of the German priority application.

The theory behind this swear-back is a dual one. First, the German priority application is considered a constructive reduction to practice and the enclosed papers, together with the declarations, show a complete making of the invention. That is, the invention was made prior to September 14, 1998. Second, the enclosed papers may be considered to prove a conception date prior to September 14, 1998 and a constructive reduction on September 23, 1998. The eight-day period in between these dates is bridged by diligent activity on the part of the patent attorney, Mr. Jannig. Reference is had, in this context, to an outline presented in Morrison v. Lakes, 63 USPQ2d 1742 (BPAI 2002), which details acceptable or reasonable delays in the context of 35 USC § 102(g). The Morrison outline explains that a three-month delay is considered reasonable as regards the preparatory work by a patent attorney leading up to a patent application filing. Further reference is had to the various cases cited in Morrison and progeny.

The Examiner is requested to telephone counsel should he have any questions with regard to the forgoing and with regard to the enclosed declarations.

Reference is now had to the translation of the paper entitled "A research concept ... " and specifically to the description on pages 45 - 50. The Examiner will immediately recognize that the drawing figures presented in the instant application are contained in their entirety in the paper. Furthermore, the drawing figures include descriptive labels which make it yet easier (and clearly corroborative) to read the claimed invention on the original papers.

For example, the "intelligent core" is illustrated in the center of Fig. 5.2. The descriptive label  $\mu$ P-Core generally means microprocessor core and suggests that it is intelligent and it is configured to execute instructions. Furthermore, all of the internal peripheral units listed in the Markush Group are illustrated in the block structure of Fig. 5.2, as well as the structurable unit which is identified with "SLE" and illustrated in a horseshoe embracing the intelligent core.

The Examiner is requested to consider the declarations and the corroborating materials in detail and to reconsider the rejections of the claims on the basis of the various combinations of prior art, each including the reference to Freitag, Jr., et al.

In summary, none of the references which are available as prior art against the instant application, whether taken alone or in any combination, either show or suggest the features of the claims. These claims are, therefore, patentable over the art and applicant respectfully requests that the Examiner issue a Notice of Allowance.

Respectfully submitted,



For Applicant

WERNER H. STEMER  
REG. NO. 34,956

WHS:sgp

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Lerner Greenberg Stemer LLP  
P.O. Box 2480  
Hollywood, Florida 33022-2480  
Tel.: 954-925-1100  
Fax: 954-925-1101